

Court of Appeals, State of Michigan

ORDER

People of MI v Hiader Al-Baseri

Docket No. 355257

LC No. 19-000591-01-FC

Kirsten Frank Kelly
Presiding Judge

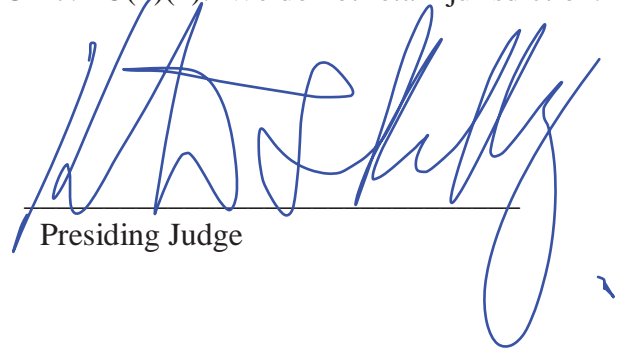
Christopher M. Murray

Cynthia Diane Stephens
Judges

The motion to waive fees is GRANTED for this case only.

Pursuant to MCR 7.205(E)(2), in lieu of granting the application, the trial court's September 23, 2020 order is REVERSED, and the matter REMANDED for further proceedings consistent with this order. The circuit court misconstrued defendant's motion, which sought relief only with respect to the imposition of late fees. The imposition of late fees was also plainly erroneous. Pursuant to MCL 600.4803(1), a trial court must "order a specific date on which the penalties, fees, and costs are due and owing." Defendant's judgment of sentence did not specify any such date. As such, the 56-day period to pay penalties, fees, and costs provided by MCL 600.4803(1) never elapsed, and the trial court lacked authority to impose a late fee. See *People v Mathis*, unpublished per curiam opinion of the Court of Appeals, issued February 27, 2018 (Docket No. 335154), pp 6-8. The trial court is directed to vacate the late fee imposed, and to enter a corrected judgment of sentence specifying a due date for the ordered costs and fees. If defendant becomes subject to a late penalty, he may request that the penalty be waived by the trial court. See MCL 600.4803(1) ("A late penalty may be waived by the court upon the request of the person subject to the late penalty").

This order is to have immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.


Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

April 14, 2021

Date


Chief Clerk